

## **REMARKS**

The Notice of Allowance dated October 15, 2010 has been received and carefully considered. In this response, claim 39 has been amended pursuant to 37 C.F.R. § 1.312 to correct a typographic error. 37 C.F.R. § 1.312 states, in part, that “Any amendment filed pursuant to this section must be filed before or with the payment of the issue fee, and may be entered on the recommendation of the primary examiner, approved by the Director, without withdrawing the application from issue.” By this § 1.312 Amendment, no new matter has been added. Entry of the amendment is respectfully requested.

The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account No. 50-4494, and please credit any excess fees to the same deposit account.

## **SUMMARY OF INTERVIEWS**

Pursuant to the October 15, 2010 Notice of Allowance in the above captioned application, Applicants hereby submit the following Examiner interview summaries that are relevant to the allowance of this application.

### **MAY 4, 2009**

The prosecution of this application, along with all but two of Applicants’ copending application, was suspended for several years pending the outcome of the appeal of Application Serial Nos. 08/470,571 and 08/487,526 and the reexamination proceedings of seven related patents. Applicants inquired into the status of these applications in January, 2009, as the current six-month suspension period expired. Applicants requested that the suspension of these applications not be renewed. The Office, through Supervisory Examiner David L. Ometz indicated that the suspensions would not be renewed and that prosecution would recommence. Applicants wish to thank Examiner David L. Ometz for the courtesy of the interview held on May 4, 2009 in which Applicants’ representatives and the Examiners discussed an overall plan

for examination of the remaining 110 applications which relate to this application and have a common chain of priority. Applicants were informed that the Patent and Trademark Office (PTO) was developing a plan to resume examination and that Applicants would be informed when the plan was in place.

#### **JULY 22, 2009**

Applicants were informed in July, 2009, that a team of examiners had been assembled to examine Applicants' copending applications. Applicants appreciate the courtesies extended to Applicants' Representatives in a meeting held July 22, 2009, with the examination team. In attendance at the meeting were Thomas J. Scott, Jr. and Carl L. Benson, of Goodwin Procter and the PTO personnel identified on the attached list. Applicants' representatives made a presentation to the Examiners in attendance in accordance with the attached agenda and provided the materials attached hereto to the Examiners for their consideration and use in the further examination of this application and the other application related to this application as identified in Tab 2 of the materials provided to the Examiners in the meeting. Applicants' representatives agreed to respond to any telephone inquiries or to be present for personal interview at the PTO in any circumstance where the Examiner believed such an interview would advance the prosecution of this application.

#### **MARCH – AUGUST 2010**

Over a period of months, Applicant's representatives and the Examiner discussed the subject matter of the claimed invention. The Examiner noted that the claims, although not identical in subject matter to the claim of copending Application Serial Nos. 08/479,374 and 08/487,410, raised similar issues. The Examiner expressed concern that amendments to the claim could raise statutory double patenting issues. Applicants identified claimed subject matter from Example #4 of the specification at pages 243-246 that distinguish the claims from the claimed subject matter of the '374 and '410 applications. In a telephonic interview on August 29, 2010, the Examiner proposed further amendments to the claims to place the claims in condition for allowance. Applicants agreed to the Examiner's proposed amendments. The examiner's amendment included with the Notice of Allowance reflects the agreed upon claims.

## **CONCLUSION**

Applicants appreciate the Examiner's time and consideration in this matter.

Dated: October 22, 2010

Respectfully submitted,

By Thomas J. Scott, Jr./

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